


UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.  
05 AUG 18 AM 6:44

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 05 2201 D-P

TREE-REMOVAL RIGHTS WITH  
RESPECT TO LAND IN FAYETTE  
COUNTY, TENNESSEE

DOUBLE D ESTATES, a Tennessee  
General Partnership  
Defendants

---

**JUDGMENT AND ORDER DISBURSING FUNDS**

---

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The Defendant shall recover of the Plaintiff \$4,200 as full compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by the Plaintiff with the registry of this Court in this action.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on March 15, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (said description being the same as in Exhibit A attached to the Complaint and Declaration of Taking filed herein).

3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$4,200 payable to Charles H. Dennis, Jr., and Cole Dennis, in full satisfaction of this Judgment and Order Disbursing Funds, and to mail said check to Mr. Charles H. Dennis, Jr., 4237 Blackheath Drive, Memphis, Tennessee

38125.

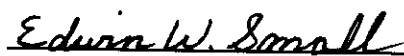
*3 CND-J*

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

This 17 day of August, 2005.

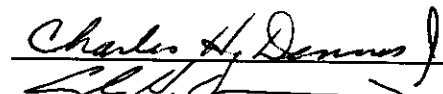
  
United States District Judge

We hereby approve and consent to the entry of this document.

  
Edwin W. Small  
Assistant General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Tennessee BPR No. 012347  
Telephone 865-632-3021  
Facsimile 865-632-6718

Attorney for Plaintiff

DOUBLE D ESTATES  
c/o Mr. Charles H. Dennis, Jr.  
4237 Blackheath Drive  
Memphis, Tennessee 38125  
3

By:   
Title: PARTNER

Defendant  
003741238

## TRACT NO. SJCTG-4A-CR

Tree-removal rights with respect to land located in Fayette County, State of Tennessee, and described in a deed recorded in Book D660, page 812, in the office of the Register of Fayette County, Tennessee, which description is incorporated herein by reference and made a part hereof, said rights consisting of the perpetual right to remove, cut down, destroy, and/or otherwise dispose of any trees on said land which in falling could come within five feet of any transmission line structure or conductor (the structures and conductors being on and over adjacent land as hereinafter described). Plaintiff shall remain liable for any direct physical damage to said land and fences thereon resulting directly from operations by and on behalf of the Plaintiff in the exercise of said rights. The land affected by said tree-removal rights and the location of the transmission line on the adjacent land are shown on a map entitled "South Jackson-Cordova Transmission Line Tap to Gallaway," drawing LW-3093, sheet P14AA, R.2, which map is incorporated herein by reference and made a part hereof. The portion of said map which shows the affected portion of said land and the centerline of the transmission line location on the adjacent land is attached to the Declaration of Taking filed herein, the location of the centerline of said transmission line and the west line of the land affected by said tree removal rights, which lies east of and adjacent to the eastern property line of Jane H. Mitchell and John A. Hodges, Co-Trustees of the Alfred A. Hodges Family Trust, et al. (hereinafter "the Alfred A. Hodges Family Trust"), and is located in the Hickory Withe Corporate Limits of the Seventh Civil District of Fayette County, State of Tennessee, being further described as follows:

TRACT NO. SJCTG-4A-CR

Beginning at the southwest corner of the property affected by said tree-removal rights, which corner is located at a point 80.75 feet right of the centerline of the transmission line location at survey station 18+10.12, the said point being an iron pin with cap which is a common corner in the lands of Double D Estates, a Tennessee General Partnership (hereinafter "Double D Estates"), David A. Irby, et ux., and the Alfred A. Hodges Family Trust; thence, with the west line of the land of Double D Estates, in a northerly direction 820 feet, more or less, to a point, said point being a T-post at the northwest corner of the lands of Double D Estates and being a common corner in the lands of Double D Estates, the Alfred A. Hodges Family Trust, and others, the said point being 163.15 feet right of the centerline of the location at survey station 26+42.40, and the bearing and distance of the centerline of the transmission line location on the adjacent land from survey station 18+10.12 to survey station 26+42.40 being N. 1° 27' 34" W., 832.28 feet.

TRACT NO. SJCTG-4A-CR

Recording Information: Defendant/landowner as of the date of the filing of the Declaration of Taking – Double D Estates (Deed Book D660, page 812). Tax map 082, parcel 120.03.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02201 was distributed by fax, mail, or direct printing on August 18, 2005 to the parties listed.

---

Philip J Pfeifer  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Edwin W. Small  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Philip J Pfeifer  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Double D. Estates  
4237 Blackheath Drive  
Memphis, TN 38125

Edwin W. Small  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Honorable Bernice Donald  
US DISTRICT COURT